



THE ATTORNEY GENERAL OF TEXAS

GERALD C. MANN

AUSTIN 11, TEXAS

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ATTORNEY GENERAL

Honorable James H. Colvin
Assistant Secretary to the Governor
Austin, Texas

Dear Sir:

Opinion No. 0-4485

Re: Grant of deficiency allow-
ances by the Governor un-
der facts stated.

You request, on behalf of the Governor, an opinion from this department on the question of whether Article 4351, R.C.S. 1925, authorizes the Governor to grant the following requests for deficiency allowances:

1. Request of W. J. McConnell, President, North Texas State Teachers College, for a deficiency allowance of \$6,500.00 to construct and partially equip a frame building.
2. Request of Harmon Lowman, President Pro Tem, Sam Houston State Teachers College, for a \$15,930.00 deficiency allowance to supplement the college's appropriation C-1247, General Maintenance and Equipment, broken down into the following items:

- (a) Manual Training and Industrial Arts. . . \$9,890
- (b) Science Department, including physics,
meteorology, electronics or radio, etc. \$2,635
- (c) Library \$1,480
- (d) Physical Education. \$1,925

You note that the requests are not in proper form, and desire our opinion only as to the authority of the Governor to grant deficiencies for the purposes for which they are sought.

This department on several occasions has held that Article 4351 does not authorize the Governor to allow deficiency requests for the construction of permanent improvements. See Opinions O-632, O-733, O-2118, and O-3988, copies of which are attached. It follows that the request by President McConnell for \$6,500.00 to

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construct and partially equip a frame building cannot be allowed under Article 4351.

It appears that the request of Sam Houston State Teachers College is not for funds to construct permanent improvements, but to defray current operating expenses; that the deficiency is sought to supplement an existing appropriation, which was insufficient and has been exhausted. Under Article 4351, the Governor, in his discretion, may allow deficiencies for such purposes and under such circumstances, when presented in the proper form, see Opinion O-2118 and Opinion O-2924, copies of which are attached.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

R. W. Fairchild
Assistant

RWF:LM

Enclosures

APPROVED MAR 18, 1942

/s/ Grover Sellers
First Assistant
Attorney General

Approved:
Opinion Committee

By /s/ BWB
Chairman